

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 12 Misc. 0115 (JSR)

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as
THE ROYAL BANK OF SCOTLAND, N.V.)
and RYE SELECT BROAD MARKET XL
FUND, LP,

Defendants.

No. 11 Civ. 06878 (JSR)

Adv. Pro. No. 10-05354 (BRL)

**DECLARATION OF MICHAEL S. FELDBERG IN SUPPORT OF RBS/ABN'S
MOTION TO DISMISS THE AMENDED COMPLAINT PURSUANT TO
SECTION 546(g) OF THE BANKRUPTCY CODE**

MICHAEL S. FELDBERG declares under penalty of perjury as follows:

1. I am an attorney admitted to practice before this Court and am a partner with Allen & Overy LLP, counsel for defendant ABN AMRO Bank N.V. (presently known as the Royal Bank of Scotland N.V.) (“RBS/ABN”), in the above-captioned action. I submit this declaration in support of RBS/ABN’s Motion to Dismiss the Amended Complaint Pursuant to Section 546(g) of the Bankruptcy Code.

2. Attached hereto as “Exhibit A” is a true and correct copy of the amended complaint against RBS/ABN filed on August 8, 2012 in the above-captioned proceeding.

3. Attached hereto as “Exhibit B” is a true and correct copy of the original complaint against RBS/ABN filed on December 8, 2010 in the above-captioned proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: September 5, 2012
New York, New York

/s/ Michael S. Feldberg
Michael S. Feldberg